

Appln. No. 10/051,201
Amdt. Dated: March 5, 2004
Reply to Office Action of December 17, 2003

Claim 98 (previously presented) A film-forming composition of Claim 97, wherein the uniform dispersion has a solids content in the range of about 40% to about 90% by weight.

Claim 99 (previously presented) A film-forming composition of Claim 98, wherein the uniform dispersion has a solids content in the range of about 50% to about 80% by weight.

REMARKS/ARGUMENTS

Claims 1-3, 5-24 and 26-99 were examined, Claims 1, 16, 24, and 84 are currently amended, and Claims 13, 33, 34 and 46-61 have been cancelled by this amendment, leaving Claims 1-3, 5-12, 14-24, 26-32, 35-45 and 62-99 remaining in this application.

Claims 62-93 are allowed and Claims 10, 13, 14, 16-23, 32, 34, 38-45 and 62-93 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1-3, 5-9, 11, 12, 15, 24-31, 33, 35-37, 46-61 and 94-99 are allowed.

Applicants also appreciate the indication that the prior rejections of Claims 17, 22, 39 and 44 under 35 U.S.C. § 112, Second Paragraph have been overcome by the previous amendment.

Objection to Claim 9

The Office Action notes that Claim 9 as previously amended and now presented is a duplicate of Claim 5. Claim 9 has been cancelled, thus obviating this objection.

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Joint Inventors

Applicants believe that the subject matter of all claims pending herein was commonly owned at the time the subject inventions were made, as presumed by the Office.

Rejections under 35 U.S.C. § 103

Claims 1-3, 5-9, 11, 12, 15, 24-31, 33, 35-37, 46-61 and 94-99 stand rejected under 35 U.S.C. 103(b), as allegedly unpatentable over Tanner (WO 01/03677) in combination with Gilleland (WO 01/91721), Michaud et al. (US 6143324) and Gilleland et al. [*sic*, Leanaerts et al.] (US 6607748).

In response, applicants first note with appreciation the recognition by the examiner that all pending claims are novel over the cited art. Applicants believe this to be true at least because the cited art does not teach or disclose any composition comprising the same proportions of components other than carrageenans which further comprises “kappa carrageenan in an amount less than 100% by weight of the iota carrageenan” as specified by all present claims. In addition, the indications that Claims 62-93 are allowed and that Claims 10, 13, 14, 16-23, 32, 34, 38-45 are directed to allowable subject matter also are appreciated. In contrast to the examiner, however, applicants continue to believe that the rejected composition claims also are patentable over the cited art, at least because that art does not teach or suggest compositions comprising kappa carrageenan in an amount less than 100% by weight of the iota carrageenan in combination with the particular amounts or ratios of various other claimed components.,

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Nevertheless, in the interest of expediting issuance of a patent in this case, applicants have amended the claims to address the objections to Claims 10, 13, 14, 16-23, 32, 34, 38-45, thereby placing this case in condition for allowance. In particular, Claims 1, 16 and 24 have been amended to present independent versions of claims previously indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Thus, Claim 13 has been effectively rewritten in independent form, as amended Claim 1, which now combines all the features of Claim 13 with those of its base claim, previously presented Claim 1. Similarly, amended Claim 24 now combines all the features of dependent Claim 34, also said to be allowable if rewritten as indicated, with its base claim, previous Claim 24. Finally, Claim 16 has also been rewritten in independent form as indicated in the objection.. Accordingly, applicants believe that presently amended independent Claims 1, 16 and 24 fully address the objections to Claims 13, 16 and 34, as being dependent upon a rejected base claim. Applicants further believe that all remaining claims depending from each of these allowable independent claims, including Claims 26-32, 35-45 and 97-99, also are now allowable as they no longer are dependent upon a rejected base claim.

In view of the above, and the fact that rejected Claims 46-61 have been cancelled, applicants believe the present amendments fully addresses all rejections as well as all objections to claims as depending upon rejected base claims and, therefore, that all pending claims as presently amended are patentable over the cited disclosures and otherwise allowable.

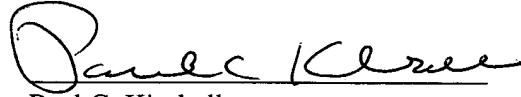
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All outstanding objections and rejections having been overcome by the present amendment and response, applicants therefore believe that the present case is in condition for allowance and respectfully request early notice to that effect.

If any issues remain to be addressed in this matter, which might be resolved by discussion, the examiner is respectfully requested to call applicants' undersigned counsel at the number indicated below.

Respectfully submitted,

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